

## **REMARKS/ARGUMENTS**

Reconsideration of this application is requested. Claims 35-43 are in the case.

### **I. ELECTION/RESTRICTION**

The election of Group I, with traverse, is hereby affirmed. The subject matter of claims 11-15 and 19-34 has been cancelled without prejudice to the possibility of pursuing that subject matter in a separate divisional application.

### **II. CLAIM OBJECTIONS**

Claims 1-10 and 16-18 have been objected to in that they do not reflect the elected subject matter. In response, claims 1-10 and 16-18, now presented as new claims 35-43, have been drafted to refer to SEQ. ID. NO: 424. Withdrawal of this objection is respectfully requested.

### **III. THE 35 U.S.C. §101 REJECTION**

Claims 1-10 and 16-18 stand rejected under 35 U.S.C. §101 as allegedly lacking patentable utility with regard to SEQ ID NO: 424 or polypeptide PG2. That rejection is respectfully traversed.

No objection arises under 35 U.S.C. §101 with respect to the claimed subject matter. In this regard, the Examiner's attention is directed to the specification at page 77, line 30 through page 78, line 20 and Figure 1 where it is demonstrated that PG2 exhibits protection against challenge with *P.gingivalis* in an immunization and murine

lesion model. Withdrawal of the lack of patentable utility rejection is accordingly respectfully requested.

**IV. THE 35 U.S.C. §112, FIRST PARAGRAPH, REJECTION**

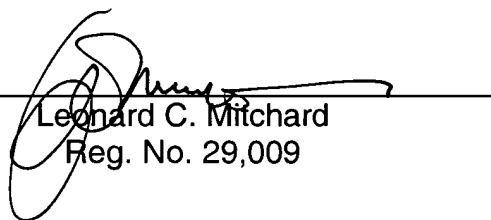
Claims 1-10 and 16-18 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly not supported by a specific utility. This is not correct for the reasons discussed above in relation to the 35 U.S.C. §101 rejection. Withdrawal of the outstanding 35 U.S.C. §112, first paragraph, rejection is accordingly respectfully requested.

Allowance of the application is awaited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
Leonard C. Mitchard  
Reg. No. 29,009

LCM:lfm  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100